



MIAMI BEACH

PLANNING DEPARTMENT

HISTORIC PRESERVATION BOARD STAFF REPORT

FROM: Jorge G. Gomez, Director
Planning Department

for JGG

DATE: September 8, 2009 Meeting

RE: Historic Preservation File No. 5395
805 5th Street – **Burmon Building**

The applicant, Burmon Investments, Inc., is requesting modifications to a previously approved Certificate of Appropriateness for the construction of a new 3-story commercial structure on a vacant lot. Specifically the applicant is requesting to incorporate an automatic parking system into the design, which will require modifications to the previously approved building elevations, and increase the building height to 4-stories.

HISTORY:

On May 13, 2008 the Board approved a Certificate of Appropriateness for new construction on the site, which included the construction of a new 3-story commercial structure on a vacant lot.

On August 25, 2009 Conditional Use Approval for a robotic parking garage for the new building was approved by the Planning Board.

LEGAL DESCRIPTION:

The east 100 feet of Lots 7 & 8, Block 74, Ocean Beach Addition No. 3, According to the Plat Thereof, as Recorded in Plat Book 2, Page 81, of the Public Records of Miami-Dade County, Florida.

SITE DATA:

Zoning -	CPS-2 (General Mixed Use Commercial)
Future Land Use Designation-	CPS-2 (General Mixed Use Commercial)
Lot Size -	9,000 S.F.
Existing FAR -	N/A
Proposed FAR -	17,992 S.F. 2.0 (Max FAR = 2.0), as represented by the applicant
Existing Height -	N/A
Proposed Height-	~46 feet / Four (4) Stories, 57'-4" to highest non-habitable projection
Existing Use/Condition -	Vacant Lot
Proposed Use -	Retail / Office w/87 parking spaces

EXISTING SITE AND PREVIOUS STRUCTURE:

The subject site is located within the Ocean Beach Local Historic District. Unfortunately, the original building that was constructed on this site in 1925, known as the Western Union Building, designed by prominent Miami architect, Walter DeGarmo, was demolished in 1995 when a plans examiner issued a demolition permit in error shortly after the designation of the local Ocean Beach Historic District. The site has remained vacant since.

THE PROJECT:

The applicant has submitted plans entitled "New Retail and Office Building for 803 5th Street", as prepared by 3 Design Architecture, (not dated).

The applicant is proposing to construct a new 4-story commercial structure located at the northwest corner of 5th Street and Meridian Avenue. The primary pedestrian access to the upper floors is located at the southwest corner of the building on 5th Street, and the primary access for the proposed first floor medical office is located at the southeast corner of the building, at the intersection of 5th Street and Meridian Avenue. The basement and second floors consist of entirely robotic parking and the third and fourth floors consist of office space. An active roof deck is also proposed.

The revised design is substantially consistent with the plans previously approved by the Board, with the exception of the robotic parking, which has resulted in the height of the building increasing by a half-story.

COMPLIANCE WITH ZONING CODE:

A preliminary review of the entire project, indicates that the application, as proposed, may be inconsistent with the following portions of the City Code:

1. F.A.R. drawings have not been submitted.

The above noted comments shall not be considered final zoning review or approval. These and all zoning matters shall require final review and verification by the Zoning Administrator prior to the issuance of a Building Permit.

ACCESSIBILITY COMPLIANCE:

Additional information will be required for a complete review for compliance with the Florida Building Code 2001 Edition, section 11 (Florida Accessibility Code for Building Construction). These and all accessibility matters shall require final review and verification by the Building Department prior to the issuance of a Building Permit.

PRELIMINARY CONCURRENCY DETERMINATION:

In accordance with Chapter 122 of the Code of the City of Miami Beach, the Transportation and Concurrency Management Division has conducted a preliminary concurrency evaluation and determined that the project does not meet the City's concurrency requirements and level-of-service standards. However, the City's concurrency requirements can be achieved and satisfied through payment of mitigation fees or by entering into an enforceable development agreement with the City. The Transportation and Concurrency Management Division will make the determination of the project's fair-share mitigation cost.

A final concurrency determination shall be conducted prior to the issuance of a Building Permit. Mitigation fees and concurrency administrative costs shall be paid prior to the project receiving any Building Permit. Without exception, all concurrency fees shall be paid prior to the issuance of a Temporary Certificate of Occupancy or Certificate of Occupancy.

COMPLIANCE WITH CERTIFICATE OF APPROPRIATENESS CRITERIA:

A decision on an application for a Certificate of Appropriateness shall be based upon the following:

- I. Evaluation of the compatibility of the physical alteration or improvement with surrounding properties and where applicable, compliance with the following criteria pursuant to Section 118-564(a)(1) of the Miami Beach Code (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
 - a. The Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings as revised from time to time.
Not Applicable
 - b. Other guidelines/policies/plans adopted or approved by Resolution or Ordinance by the City Commission.
Satisfied
- II. In determining whether a particular application is compatible with surrounding properties, the Board shall consider the following criteria pursuant to Section 118-564(a)(2) of the Miami Beach Code (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
 - a. Exterior architectural features.
Satisfied
 - b. General design, scale, massing and arrangement.
Satisfied
 - c. Texture and material and color.
Not Satisfied; see Condition No. 1 and Staff Analysis
Exterior surface color samples have not been submitted.
 - d. The relationship of a, b, c, above, to other structures and features of the district.
Satisfied
 - e. The purpose for which the district was created.
Satisfied
 - f. The relationship of the size, design and siting of any new or reconstructed structure to the landscape of the district.
Satisfied

- g. An historic resources report, containing all available data and historic documentation regarding the building, site or feature.
Not Applicable
 - h. The original architectural design or any subsequent modifications that have acquired significance.
Not Applicable
- III. The examination of architectural drawings for consistency with the criteria pursuant to Section 118-564(a)(3) of the Miami Beach Code and stated below, with regard to the aesthetics, appearances, safety, and function of any new or existing structure, public interior space and physical attributes of the project in relation to the site, adjacent structures and properties, and surrounding community. The criteria referenced above are as follows (it is recommended that the listed criteria be found Satisfied, Not Satisfied or Not Applicable, as so noted):
 - a. The location of all existing and proposed buildings, drives, parking spaces, walkways, means of ingress and egress, drainage facilities, utility services, landscaping structures, signs, and lighting and screening devices.
Satisfied
 - b. The dimensions of all buildings, structures, setbacks, parking spaces, floor area ratio, height, lot coverage and any other information that may be reasonably necessary to determine compliance with the requirements of the underlying zoning district, and any applicable overlays, for a particular application or project.
Not Satisfied; See Zoning Analysis
 - c. The color, design, surface finishes and selection of landscape materials and architectural elements of the exterior of all buildings and structures and primary public interior areas for developments requiring a building permit in areas of the city identified in section 118-503.
Not Satisfied; See Staff Analysis and Condition No. 1
Adequate details of the proposed materials and finishes have not been provided.
 - d. The proposed structure, and/or additions to an existing structure is appropriate to and compatible with the environment and adjacent structures, and enhances the appearance of the surrounding properties, or the purposes for which the district was created.
Satisfied
 - e. The design and layout of the proposed site plan, as well as all new and existing buildings and public interior spaces shall be reviewed so as to provide an efficient arrangement of land uses. Particular attention shall be given to safety, crime prevention and fire protection, relationship to the surrounding neighborhood, impact on preserving historic character of the neighborhood and district, contiguous and adjacent buildings and lands, pedestrian sight lines and view corridors.
Satisfied

- f. Pedestrian and vehicular traffic movement within and adjacent to the site shall be reviewed to ensure that clearly defined, segregated pedestrian access to the site and all buildings is provided for and that any driveways and parking spaces are usable, safely and conveniently arranged and have a minimal impact on pedestrian circulation throughout the site. Access to the site from adjacent roads shall be designed so as to interfere as little as possible with vehicular traffic flow on these roads and pedestrian movement onto and within the site, as well as permit both pedestrians and vehicles a safe ingress and egress to the site.

Satisfied

- g. Lighting shall be reviewed to ensure safe movement of persons and vehicles and reflection on public property for security purposes and to minimize glare and reflection on adjacent properties and consistent with a City master plan, where applicable.

Satisfied

- h. Landscape and paving materials shall be reviewed to ensure an adequate relationship with and enhancement of the overall site plan design.

Satisfied

- i. Buffering materials shall be reviewed to ensure that headlights of vehicles, noise, and light from Structures are adequately shielded from public view, adjacent properties and pedestrian areas.

Satisfied

- j. Any proposed new structure shall have an orientation and massing which is sensitive to and compatible with the building site and surrounding area and which creates or maintains important view corridor(s).

Satisfied

- k. All buildings shall have, to the greatest extent possible, space in that part of the ground floor fronting a sidewalk, street or streets which is to be occupied for residential or commercial uses; likewise, the upper floors of the pedestal portion of the proposed building fronting a sidewalk street, or streets shall have residential or commercial spaces, or shall have the appearance of being a residential or commercial space or shall have an architectural treatment which shall buffer the appearance of a parking structure from the surrounding area and is integrated with the overall appearance of the project.

Satisfied

- l. All buildings shall have an appropriate and fully integrated rooftop architectural treatment which substantially screens all mechanical equipment, stairs and elevator towers.

Satisfied

- m. Any addition on a building site shall be designed, sited and massed in a manner which is sensitive to and compatible with the existing improvement(s).

Not Applicable

- n. All portions of a project fronting a street or sidewalk shall incorporate an amount of transparency at the first level necessary to achieve pedestrian compatibility.
Satisfied
- o. The location, design, screening and buffering of all required service bays, delivery bays, trash and refuse receptacles, as well as trash rooms shall be arranged so as to have a minimal impact on adjacent properties.
Satisfied

STAFF ANALYSIS:

Located at the northwest corner of 5th Street and Meridian Avenue, the subject site is unlike most properties in the CPS-2 zoning district in that there is no access to an alley. The site is also abutted to the north by the surface parking lot of a residential condominium, and as such, it is not likely to be improved in the foreseeable future. These site conditions, in addition to the applicant's desire to incorporate a robotic parking system into the subject structure, have presented a challenging design dilemma for the project architect.

When the application was initially approved by the Board on May 13, 2008, the project included a 3-story commercial structure with parking lifts for vertically stacked parking on the ground floor. Since that time, the City Code was amended, adding Section 130-38, allowing mechanical and robotic parking, subject to the issuance of Conditional Use approval from the Planning Board. The applicant has revised the plans for the project to include a robotic parking system and on August 25, 2009 Conditional Use Approval was issued by the Planning Board.

With the inclusion of the robotic system, the floor plans have been modified to include a full level of robotic parking in both the basement and second levels. Additional robotic parking is also provided in a small portion of the third level, third level mezzanine, and also on the fourth level. The entrance to the garage is located at the ground floor in the same location that was previously approved by the Board. With the introduction of a robotic parking system the height of the building has increased by approximately one-half level, from a previously approved height of 40'-0" to a proposed height of 45'-6". The overall design of the revised project is substantially consistent with the design previously approved by the Board, with the exception of the increase in height and elimination of windows in the areas occupied by the robotic parking system.

Although supportive of the project, staff believes the nearly complete removal of window glazing on the entire north elevation as proposed will result in an overbearing solid wall, which will be readily visible due to the abutting parking lot. Staff would recommend this north elevation be further studied and substantially redesigned to include fully recessed spandrel glass in order to help break down the visual mass of the building. Additionally, spandrel glass should be utilized on the second level of the south and east elevations, in order to address the proposed parking level.

Additionally, in reviewing the proposed ground level plan, staff questions the usability of the proposed accessible parking space adjacent to the parking elevator. Specifically, when vehicles que for the parking elevator, any vehicle parked in this space will not be able to exit. The applicant has indicated that the operation of the robotic parking garage will be fully explained at the Board meeting, at which time renderings of the project will also be submitted for review.

With the further refining of the design and details, as indicated below, staff recommends approval of the application.

RECOMMENDATION:

In view of the foregoing analysis, staff recommends the application be approved, subject to the following conditions, which address the inconsistencies with the aforementioned Certificate of Appropriateness criteria:

1. Revised elevation, site plan and floor plan drawings shall be submitted to and approved by staff; at a minimum, such drawings shall incorporate the following:
 - a. The project shall comply with all requirements of the Conditional Use Approval from the Planning Board (File No. 1932, 8-25-09).
 - b. The downspouts indicated on the north elevation, or any other exterior elevation shall not be permitted. Internal Rain water leaders shall be required.
 - c. The north elevation shall not be permitted as proposed and shall be substantially redesigned. Specifically, horizontal rows of spandrel glass, recessed into the walls, shall be required at ALL levels, in a manner that is consistent with the east and south elevations. The location, dimensions, color, material and design of such recessed glass shall be subject to the review and approval of staff.
 - d. The applicant shall utilize obscured glass on the second level of the south and east elevations, in a manner to be reviewed and approved by staff.
 - e. The projecting corner curtain wall system shall be composed of a single system of aluminum and glass; the horizontal and vertical elements surrounding the storefront and depicted by separate colored elements shall be revised to incorporate the same material and finish as the curtain wall, subject to the review and approval of staff.
 - f. The awning system proposed for the south elevation shall be divided into three (3) separate awnings, in a manner to be reviewed and approved by staff. This may include modifications to the ground level store front system.
 - g. The louvers proposed for the stairwell on the northeast corner shall not be permitted. Instead a more refined mesh, perforated metal or similar type of screen shall be provided; the final dimensions, material, color, design and details of all screens shall be provided, and shall be composed of high quality materials, in a manner to be reviewed and approved by staff.
 - h. The interior configuration of the ground floor space shall be provided as part of the building permit plans. No walls, screens or dividers shall be permitted within ten (10') feet of any glass panel on the south or east sides of the first floor. The final floor plan for the ground level shall be subject to the review and approval of staff.
 - i. The height of the garage opening shall be reduced to the minimum required by code, in a manner to be reviewed and approved by staff.

- j. The kneewalls at the ground level storefronts shall be a maximum height of twenty-four (24") inches.
 - k. Material samples, including exterior colors and finishes, shall be provided, subject to the review and approval of staff.
 - l. The curbcut shall not exceed 22'-0" in width, and a garage door(s) compatible with the building's architecture, shall be provided, in a manner to be reviewed and approved by staff.
 - m. Manufacturers drawings and Dade County product approval numbers for all new windows, doors and glass shall be required.
 - n. All roof-top fixtures, air-conditioning units and mechanical devices shall be clearly noted on a revised roof plan and elevation drawings and shall be screened from view, in a manner to be approved by staff.
 - o. Prior to the issuance of a Certificate of Occupancy, the project Architect shall verify, in writing, that the subject project has been constructed in accordance with the plans approved by the Planning Department for Building Permit.
2. Mechanical ventilation of the proposed parking areas shall not be permitted. In the event Building Code requirements dictate that a mechanical ventilation system is necessary, the project shall be required to come back before the Historic Preservation Board, prior to the issuance of any Building Permit. The Historic Preservation Board shall retain the right to not allow a mechanical ventilation system.
3. A revised landscape plan, prepared by a Professional Landscape Architect, registered in the State of Florida, and corresponding site plan, shall be submitted to and approved by staff. The species type, quantity, dimensions, spacing, location and overall height of all plant material shall be clearly delineated and subject to the review and approval of staff. At a minimum, such plan shall incorporate the following:
- a. The existing tree pits along 5th Street abutting the subject property shall be expanded in size to 8'x8', with the City Standard black and white bound aggregate system and fertilization trench, irrigation, and two (2) uprights per City standards, shall be required for all existing and proposed street trees abutting the subject property on 5th Street, in a manner to be reviewed and approved by staff. The utilization of root barriers and/or structural soil, as applicable, shall be clearly delineated on the revised landscape plan.
 - b. The applicant shall explore providing additional, more substantial landscape material in the adjacent parking lot to the north, abutting the proposed structure, subject to the review and approval of staff, if the owners of the abutting property do not object.
 - c. All exterior walkways and driveways shall consist of decorative pavers, set in sand or other equally semi-pervious material, subject to the review and approval of staff.

- d. All landscape areas abutting driveways and parking areas shall be defined by decorative bollards.
 - e. A fully automatic irrigation system with 100% coverage and an automatic rain sensor in order to render the system inoperative in the event of rain. Right-of-way areas shall also be incorporated as part of the irrigation system.
 - f. The utilization of root barriers and/or structural soil, as applicable, shall be clearly delineated on the revised landscape plan.
 - g. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all backflow preventors and all other related devices and fixtures; such fixtures and devices shall not be permitted within any required yard or any area fronting a street or sidewalk. The location of backflow preventors, siamese pipes or other related devices and fixtures, if any, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
 - h. The applicant shall verify, prior to the issuance of a Building Permit, the exact location of all applicable FPL transformers or vault rooms; such transformers and vault rooms, and all other related devices and fixtures, shall not be permitted within any required yard or any area fronting a street or sidewalk. The location of any exterior transformers, and how they are screened with landscape material from the right-of-way, shall be clearly indicated on the site and landscape plans and shall be subject to the review and approval of staff.
 - i. Prior to the issuance of a Certificate of Occupancy, the Landscape Architect for the project architect shall verify, in writing, that the project is consistent with the site and landscape plans approved by the Planning Department for Building Permit.
4. The Historic Preservation Board (HPB) or the Planning Director shall retain jurisdiction to call the owners and/or operators back before the HPB, at the expense of the owners and/ or operators, to impose new conditions and/or modify the conditions of this order, including, but not limited to, the hours of operation, sound attenuation requirements, and the placement or use on the property of exterior loudspeakers, fixed or portable, or amend or impose other conditions, should there be a valid violation (as determined by Code Compliance) about loud, excessive, unnecessary, or unusual noise or other conditions of this approval. An adverse adjudication of a violation against the owner or operator is not necessary for the board to have jurisdiction over the matter under this condition. This condition vests jurisdiction independent of any other condition hereof.
5. All building signage shall be consistent in type, composed of flush mounted, non-plastic, individual letters and shall require a separate permit.
6. The final exterior surface color scheme, including color samples, shall be subject to the review and approval of staff and shall require a separate permit.

7. A traffic mitigation plan, which addresses all roadway Level of Service (LOS) deficiencies relative to the concurrency requirements of the City Code, if required, shall be submitted prior to the issuance of a Building Permit and the final building plans shall meet all other requirements of the Land Development Regulations of the City Code.
8. All new and altered elements, spaces and areas shall meet the requirements of the Florida Accessibility Code (FAC).
9. The project shall comply with any landscaping or other sidewalk/street improvement standards as may be prescribed by a relevant Urban Design Master Plan approved for Meridian Avenue prior to the completion of the project and the issuance of a Certificate of Occupancy.
10. The applicant may be required to submit a separate analysis for water and sewer requirements, at the discretion of the Public Works Director, or designee. Based on a preliminary review of the proposed project, the following may be required by the Public Works Department:
 - a. A traffic and neighborhood impact study shall be conducted as a means to measure a proposed development's impact on transportation and neighborhoods. The study shall address all roadway Level of Service (LOS) deficiencies relative to the concurrency requirements of the City Code, and if required, shall be submitted prior to the issuance of a Building Permit. The final building plans shall meet all other requirements of the Land Development Regulations of the City Code. The developer shall refer to the most recent City of Miami Beach's Traffic and Neighborhood Impact Methodology as issued by the Public Works Department.
 - b. Remove/replace sidewalks, curbs and gutters on all street frontages, if applicable. Unless otherwise specified, the standard color for city sidewalks is red, and the standard curb and gutter color is gray.
 - c. Mill/resurface asphalt in rear alley along property, if applicable.
 - d. Provide underground utility service connections and on-site transformer location, if necessary.
 - e. Provide back-flow prevention devices on all water services.
 - f. Provide on-site, self-contained storm water drainage for the proposed development.
 - g. Meet water/sewer concurrency requirements including a hydraulic water model analysis and gravity sewer system capacity analysis as determined by the Department and the required upgrades to water and sewer mains servicing this project.
 - h. Payment of City utility impact fees for water meters/services.

- i. Provide flood barrier ramps to underground parking or minimum slab elevation to be at highest adjacent crown road elevation plus 8".
 - j. Right-of-way permit must be obtained from Public Works.
 - k. All right-of-way encroachments must be removed.
 - l. All planting/landscaping in the public right-of-way must be approved by the Public Works and Parks Departments.
11. At the time of completion of the project, only a **Final** Certificate of Occupancy (CO) or **Final** Certificate of Completion (CC) may be applied for; the staging and scheduling of the construction on site shall take this into account. All work on site must be completed in accordance with the plans approved herein, as well as by the Building, Fire, Planning, CIP and Public Works Departments, inclusive of all conditions imposed herein, and by other Development Review Boards, and any modifications required pursuant to field inspections, prior to the issuance of a CO or CC. This shall not prohibit the issuance of a Partial or Temporary CO, or a Partial or Temporary CC.
12. The Final Order shall be recorded in the Public Records of Miami-Dade County, prior to the issuance of a Building Permit.
13. The Final Order is not severable, and if any provision or condition hereof is held void or unconstitutional in a final decision by a court of competent jurisdiction, the order shall be returned to the Board for reconsideration as to whether the order meets the criteria for approval absent the stricken provision or condition, and/or it is appropriate to modify the remaining conditions or impose new conditions.
14. The conditions of approval herein are binding on the applicant, the property's owners, operators, and all successors in interest and assigns.